

REMARKS

Claims 1-6 are pending in this application. All of the claims were rejected based on Karaoguz. Claims 1 and 6 are currently amended. Reconsideration is requested.

The presently claimed invention distinguishes Karaoguz by reciting a technique for auctioning association privileges between an access point and a group of stations. Karaoguz teaches that statistical information is gathered from access points¹. Karaoguz further teaches that the gathered statistical information is used to determine the geographical layout of access points in the network.² For example, in steps (225) and (230) “the central server can determine based on the gathered information that access point X and access point Y interferes (sic) with each other, and therefore can provided (sic) data suggesting the removal or relocation of access point X.”³ In contrast with Karaoguz, the presently claimed invention evaluates a first subset of stations which wish to associate with an access point, and selects a second subset of those stations to permit to become associated. One practical result of the claimed technique is that migration of stations between access points can be controlled in a manner which reduces the likelihood of instability and hunting. It is therefore believed that claim 1 with the limitations added in this Amendment distinguishes Karaoguz by reciting “logic for receiving messages from stations indicative of a request to associate with the access point; ... logic for selecting one of the stations from which the message was received to become associated with the access point based upon the evaluation.” Claim 6 recites similar language, and claims 2-5 are dependent claims which further distinguish the invention.

¹ For example, step (210) in Figure 2

² Paras. 0026-0028

³ Id.

The Office has cited various passages of Karaoguz for teaching that an access point can determine the distance to a station. Applicant does not deny that Karaoguz teaches distance calculation. However, Applicant submits that Karaoguz fails to teach use of the distance calculation to select, from a first subset of stations that request association, a second subset of stations to be granted association. Indeed, Karaoguz repeatedly characterizes the end result of optimizing network configuration as meaning the moving and powering-off of access points.⁴ For example, Karaoguz states:

“The central server 401 processes the information received and determines an optimized network configuration. In other words, the central server 401 determines that access points 410c and 410e can be removed from the configuration 400. Therefore, the central server 401 sends out instructions to these two access points to power-off.”⁵

Karaoguz therefore fails to teach using gathered information about stations to select a station from a set of stations which indicated a request to become associated with the access point as recited in the claims.

In addition to the reasons discussed above, the presently claimed invention distinguishes Karaoguz because it is a distributed technique. Karaoguz teaches a centralized system for controlling a WLAN. Access Points gather information from stations and send that information to a central server.⁶ The central server then analyzes the information to reconfigure the WLAN.⁷ Again, the Karaoguz “reconfiguration” involves moving access points whereas the “reconfiguration” of this invention is selecting a station to become associated with an access

⁴ Paras. 0026, 0028 and 0052.

⁵ Para. 0052.

⁶ Para. 0024.

⁷ Para. 0026.

point. Further, according to the presently claimed invention the reconfiguration decisions are made by the access points rather than a central server. Advantages of the claimed technique are improved scalability and avoidance of a single point of failure. This distinguishing feature is recited in claims 1 and 6 as “apparatus in an access point in a wireless communications environment.” The Office cites In re Japikse for the proposition that shifting the location of parts absent an unexpected result is generally considered within the ordinary skill in the art. In the present case it apparently was not within the ordinary skill in the art to foresee the problems caused by the central server model because all other vendors known to Applicant implemented their products in this centralized manner. Some experts in the industry still believe that adding capabilities to the access points is a mistake because it tends to increase the cost of the access points, and a WLAN typically has multiple access points and only one centralized server. Therefore, this is not simply a trivial shifting around of capabilities. If one were to follow the teaching of Karaoguz for selecting stations to become associated with access points, then the selecting would be done by the central server and failure of that central server would cause the entire WLAN to fail. Further, Karaoguz fails to teach that the central server would direct an access point to select only a subset of the stations requesting association at a given point in time. For the reasons stated above, withdrawal of the rejections of claims 1 and 6 is again respectfully requested.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible. In view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

April 10, 2006
Date

/Holmes W. Anderson/
Holmes W. Anderson, Reg. No. 37272
Attorney/Agent for Applicant(s)
McGuinness & Manaras LLP
125 Nagog Park
Acton, MA 01720
(978) 264-6664

Docket No. 160-052
Dd: 4/23/2006